

## REMARKS

Claims 1-40 are in the application.

Claims 4-13 are amended.

In response to the Restriction Requirement, in which the claims are divided into group I, claims 1-3 and 40; group II, claims 4-13 and 38-39; group III, claims 14-31, and group IV, claims 32-37, applicants elect to prosecute group I with traverse to prosecute together therewith claims 4-13 and 38-39 (as amended), claims 14-37 which are dependent from elected or traversed-elected claims.

While applicants agree that the limitations of claims 4-39 might represent different inventions, for purposes of election, it is respectfully submitted that a restriction requirement is improper. That is, it is believed that each of claims 4-39 define an invention with method limitations, each of these claims is either directly dependent from claim 1, or recites the material limitations thereof in such manner as to define a single invention. Therefore, if claim 1 were deemed allowable, all claims dependent therefrom should also be allowable on the same basis, without imposing an undue search and examination burden on the Examiner. Cancellation of these claims should therefore not be required.

For example, claim 1 recites:

**A porous silica granule approximately spherical in shape, having a carbon concentration of less than 1 wt.-ppm, a pore volume of 0.5 cm<sup>3</sup> or less per 1 gram of the granules, a mean diameter of pores of 50 nm or less, a specific surface area of 100 m<sup>2</sup>/g or less, and a bulk density of 0.7 g/cm<sup>3</sup> or higher.**

While claim 38 recites:

**A method for producing**

**a porous silica granule approximately spherical in shape, having a carbon concentration of less than 1 wt.-ppm, a pore volume of 0.5 cm<sup>3</sup> or less per 1 gram of the granules, a mean diameter of pores of 50 nm or less, a specific surface area of 100 m<sup>2</sup>/g or less, and a bulk density of 0.7 g/cm<sup>3</sup> or higher,**

**comprising dispersing a fumed silica obtained by hydrolysis of a silicon compound into water**

to obtain a slurry, and drying.

Note identity of bold text.

The preamble of Claim 14 recites:

A method for producing high purity synthetic quartz glass powder by using porous silica granules obtained by the production method as claimed in **Claim 1**, comprising ...

And claim 32 recites:

A method for producing high purity synthetic quartz glass, comprising fusing and vitrifying the high purity synthetic quartz glass powder obtained by the production method claimed in **Claim 13**.

Thus, it is respectfully submitted that during the examination of these claims, the examination of claim 38 would necessarily overlap and encompass the examination of claim 1, and a determination of the separate patentability of claim 38 is unwarranted. Likewise, the examination of claims 1-3 and 40 would encompass claims dependent therefrom and those of commensurate scope.

Claim 4 (as amended) is in particular a product-by-process claim directly dependent from claim 1, and therefore includes all of its material limitations.

Reconsideration of the restriction requirement is therefore respectfully requested.

Respectfully submitted,

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